

**TRANSPORTATION DEPARTMENT[761]**

**Adopted and Filed**

**Rule making related to highway-railroad grade crossings**

The Transportation Department hereby amends Chapter 811, “Highway-Railroad Grade Crossing Warning Devices,” Chapter 812, “Classifications and Standards for Highway-Railroad Grade Crossings,” and Chapter 820, “Highway Grade Crossing Safety Fund,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code sections 307.12, 307.26(7) and 327G.15.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code sections 307.26 and 327G.15.

*Purpose and Summary*

This rule making updates Iowa Code citations and adds or updates contact information within Chapters 811, 812 and 820.

The following sentences explain the additional amendments to these three chapters:

- Correct the title of Part 8 of the “Manual on Uniform Traffic Control Devices,” published by the U.S. Department of Transportation, Federal Highway Administration, for conformance of standards concerning the installation of all highway-railroad grade crossing warning devices.
- Make clarifying changes to state that the highway authority shall consider the safety impacts that a project may have on a crossing when planning a highway improvement project encompassing or adjacent to that crossing.
- Update the definition of “AAR signal unit” to reference an updated document that provides units and interpretations for an active warning device, correct the style used within the definitions, and add the option to send any submissions electronically to the Department.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on October 5, 2022, as **ARC 6575C**. No public comments were received. No changes from the Notice have been made.

*Adoption of Rule Making*

This rule making was adopted by the Department on November 9, 2022.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 761—Chapter 11.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

*Effective Date*

This rule making will become effective on January 4, 2023.

The following rule-making actions are adopted:

ITEM 1. Amend rule 761—811.1(307) as follows:

**761—811.1(307) Standards.** All highway-railroad grade crossing warning devices installed shall conform to Part 8, “Traffic Controls for ~~Highway-Rail~~ Railroad and Light Rail Transit Grade Crossings,” of the “Manual on Uniform Traffic Control Devices” as adopted in 761—Chapter 130.

This rule is intended to implement Iowa Code ~~paragraph 307.26(5) “b”~~ and sections 307.26(7) “b,” 321.252 and 327G.2.

ITEM 2. Adopt the following new rule 761—811.2(307):

**761—811.2(307) Contact information.** Information about this chapter may be obtained by contacting the department at the following address: Modal Transportation Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; telephone (515)239-1108.

This rule is intended to implement Iowa Code section 307.26.

ITEM 3. Amend rule 761—812.1(307) as follows:

**761—812.1(307) Purpose and contact information.**

**812.1(1)** This chapter implements Iowa Code ~~paragraph 307.26(5) “e.”~~ section 307.26(7) “b.” This statute requires the department to classify highway-railroad grade crossings based upon their characteristics, conditions and hazards and to adopt standards for warning devices for each classification.

**812.1(2)** Information about this chapter may be obtained by contacting the department at the following address: Modal Transportation Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; telephone (515)239-1108.

ITEM 4. Amend subrule 812.3(4) as follows:

**812.3(4)** When planning a highway improvement project encompassing or adjacent to a crossing, the highway authority shall consider the ~~effects of safety impacts that~~ the project may have on the crossing.

ITEM 5. Amend subrule 812.4(1) as follows:

**812.4(1)** In accordance with Iowa Code ~~paragraph 307.26(5) “e,”~~ section 307.26(7) “b,” the department of transportation is not liable for the development or adoption of the classifications or standards. A government agency, department, or political subdivision is not liable for failure to implement the standards.

ITEM 6. Amend **761—Chapter 812**, implementation sentence, as follows:

These rules are intended to implement Iowa Code ~~paragraph 307.26(5) “e.”~~ section 307.26(7) “b.”

ITEM 7. Amend rule 761—820.1(327G) as follows:

**761—820.1(327G) Definitions.** The following terms when used in this chapter of rules shall have the following meanings:

*AAR signal unit.* The “AAR signal unit” means the relative maintenance difficulty value assigned to component parts of an active warning device. Units and interpretations are designated by the 2021

Revision of the American Railway Engineering and Maintenance-of-Way Association of American Railroads Signal Manual, Part 203 (1984) (AREMA) Communications and Signals Manual, Volume 1, Section 1 (1.3.2) [Recommend Table of Signal and Interlocking Units and Interpretations].

~~Active warning devices.~~ Traffic “Active warning devices” means traffic control devices activated by the approach or presence of a train, such as flashing light signals, flashing light signals with cantilever assemblies, and flashing light signals with automatic gate arms, all of which actively warn motorists of a train.

~~Maintenance costs of active warning devices.~~ Costs “Maintenance costs of active warning devices” means costs incurred by a railroad associated with the repair or replacement of obsolete, worn out, damaged, or missing component parts of an approved active warning device. Maintenance costs shall include repair or replacement of damaged, vandalized, or stolen component parts only for that amount which exceeds the amount recovered from the liable party or the liable party’s insurer.

~~Safety fund.~~ The “Safety fund” means the highway grade crossing safety fund established in Iowa Code section 327G.19, and administered by the department.

ITEM 8. Amend rule 761—820.3(327G) as follows:

**761—820.3(327G) Information and submissions.** Information about this chapter may be obtained by contacting the department at the following address: ~~Office of Rail~~ Modal Transportation Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; telephone ~~(515)239-1140~~ (515)239-1108. Submissions to the department under this chapter ~~shall~~ may be sent or delivered to this address or may be electronically filed with the program manager.

[Filed 11/9/22, effective 1/4/23]

[Published 11/30/22]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 11/30/22.